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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,401	02/26/2002	James M. Durkin		4575

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EXAMINER

CRANSON JR, JAMES W

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,401

Applicant(s)

DURKIN, JAMES M.

Examiner

James W Cranson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,805,055 to Cassey in view of USPN 4,797,798 to Schumaker et al, USPN 5,853,304 to Landreau et al. and USPN 4,880,193 to Warshawsky.

Regarding claim 1, Cassey discloses a portable outdoor lighting fixture (figure 1) comprising base mean (10), a hollow pole means (16) extending vertically from said base means (10), a shade assembly (20), a low voltage bulb (102), a base plate (26), a connecting means (48) attached to said plate (26) on the side opposite (figure 2, column 4 lines 30-36) from said pole means (16), wire means (44,46) connected to said block (48) and to said shade assembly (20), a low voltage transformer (column 5, lines 13-17) connected to a source of electrical energy and a supply wire (44,46) connected to said transformer and to said connecting means (48) to supply low voltage to said fixture.

Cassey does not disclose a flexible arm, a terminal connection block or a switch.

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Schumaker et al. teaches a bendable lighting fixture with a flexible arm 22 (column 2, lines 25-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fixture of Cassey with the flexible arm as taught by Schumaker to provide adjustment for the lighting fixture.

Landreau et al. teaches a terminal block type connection module. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the terminal block type connection as taught by Landreau in the lighting fixture of Cassey in order to provide ease of removability of the connecting wires

Warshawsky teaches having a switch (38) (column 3, lines 50-54) included in a shade (36). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the switch as taught by Warshawsky in the lighting fixture of Cassey to provide means to turn the fixture off and on.

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Regarding claim 2, said base means (10) includes base supporting (30) said fixture.

Regarding claim 3, said plate has a spike (24)(column 3, lines 44-48) connected thereto to a stick in the ground to provide support to said fixture.

Claims 4 and 5 are rejected as being unpatentable over USPN 3,805,055 to Cassey in view of USPN 4,797,798 to Schumaker et al., USPN 5,853,304 to Landreau et al. and Warshawsky as applied to claim one above and further in view of USPN 6,505,950 to Natoli et al.

Further Cassey does not disclose a plug. Natoli et al. teaches a lighting fixture having a plug. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fixture of Cassey. with the plug as taught by Natoli in order to improve safety.

Regarding claim 6

Cassey does not disclose wire nuts.

Claim 6 is rejected as being unpatentable over USPN 3,805,055 to Cassey in view of USPN 4,797,798 to Schumaker et al., USPN 5,853,304 to Landreau et al. and Warshawsky as applied to claim one above and further in view of "OFFICIAL NOTICE ".

The examiner takes "OFFICIAL NOTICE "that is well known in the electrical connection art to wire nuts to secure an electrical connection.

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Regarding claim 7,

Cassey discloses a tube in telescoped relation to a pole (column 5, 64- 68, column 6, lines 1-5) which is securely connected by any appropriate means at a predetermined distance.

Regarding claim 8

Claim 8 is rejected as being unpatentable over USPN 3,805,055 to Cassey in view of USPN 4,797,798 to Schumaker et al., USPN 5,853,304 to Landreau et al. and Warshawsky as applied to claim one above and further in view of USPN 5,649,764 to Strickland.

Cassey does not disclose a base with three legs.

Strickland teaches a lamp base with three disconnected legs (column 2, lines 61-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the base with three legs as taught by Strickland in the lighting fixture of Cassey because it is well known in the support art to use three legs for support.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Cranson whose telephone number is 703-305-5514.

The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

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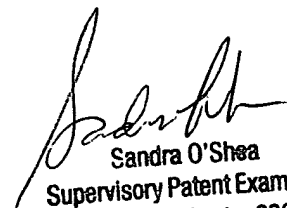
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



March 9, 2003

Conclusion



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800